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July 6, 2006

Mr. David O'Connor, Commissioner
Division of Energy Resources
70 Franklin Street, 7th Floor
Boston MA 02210-1313

RE: Proposed Revision of RPS Regulations and Draft Biomass Eligibility Guideline

Dear Commissioner O'Connor:

We are writing to oppose yet another proposal to revise the eligibility regulations regarding the Massachusetts RPS. As you know, the intent of the RPS was to encourage the development of new capital projects for the generation of incremental renewable energy. However, the recurring attempts to revise the RPS eligibility rules (and thus the future value of RECs) undermines this intent by destabilizing the markets and undermining the confidence of the financial community that the Massachusetts REC market will be sufficiently predictable to support long-term investment.

Several of the particular proposals now pending are also plainly contrary to the legislative intent, as expressly confirmed by the legislative review of the current regulations set forth in the March 6, 2002, Report of the Joint Committee on Energy. First, such Report plainly advised of the legislative intent that "stoker technologies, which have been in use for decades ... would not be considered advanced under any circumstances." Second, the Report also indicated the intent that the terms of any air permit "must be at least consistent with the standard for emissions of a comparable biomass unit in the Commonwealth." The proposed revocation of the current rule provisions implementing such concerns cannot be reconciled with the legislative intent.

Important provisions now in the regulations would also be improperly replaced with mere "guidance" provisions, which could subsequently be revised or revoked without a rulemaking proceeding, or the oversight of the appropriate legislative committee. For all of these reasons, we strongly oppose the proposed revisions and urge you not to undermine the financial stability necessary for the investment and construction of new renewable facilities that was intended by the legislature.

Respectfully,

Martin E. Aikens
Business Agent

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